

DETAILED ACTION

Notice of Amendment

1. In response to the amendment filed on 04/13/2009, amended claim(s) 1, 13, and 14 and new claim(s) 33 is/are acknowledged. The current rejections of the claim(s) 1, 2, 4, 5, 10, 12-14, and 26-32 is/are *withdrawn*. The following is/are set forth:

Election/Restrictions

2. Claim 1 is allowable. The restriction requirement among species, as set forth in the Office action mailed on 06/18/2007, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 3, 6-9, and 11, directed to an allowable product are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Wendi Weinstein on 07/27/2009.

The application has been amended as follows:

Claims 15-25 and 30-32 should read: (Cancelled).

Allowable Subject Matter

4. Claims 1-14, 26-29, and 33 are allowed.
5. The following is an examiner's statement of reasons for allowance: the prior art does not disclose, teach, and/or fairly suggest a guidewire, comprising *inter alia*: a distal end side portion formed of a first metal; a proximal end side portion formed of a second more rigid metal; and an intermediate portion disposed therebetween, comprising a sintered cylindrical body formed of a mixture of a powder of said first metal and a powder of said second metal, having a predetermined length with an integral gradient composition varying the weight ratio, or concentration, of each of the metals, wherein the composition of each of the metals increases when approaching the side formed thereof.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

6. Applicant's arguments, see pages 13-17, filed 04/13/2009, with respect to the allowability of claims 1-14, 26-29, and 33 have been fully considered and are persuasive. The rejections of the claims have been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey G. Hoekstra whose telephone number is (571)272-7232. The examiner can normally be reached on Monday through Friday 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3736

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey G Hoekstra/
Examiner, Art Unit 3736

/Max Hindenburg/
Supervisory Patent Examiner, Art Unit 3736